Please amend the application as follows:

In the Claims

Please amend Claims 1, 13, 23, 26, 37-40, 70-74, 79, 91, 92 and 94. Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (pages i - v).

1. (Four times amended) A retroviral vector comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template, wherein the MMTV U3 sequence directs expression of the heterologous gene in a human cell when the vector is introduced into the cell.

13. (Three times amended) A retroviral provirus carrying a construct comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template, wherein the MMTV U3 sequence directs expression of the heterologous gene in a human cell when the vector is introduced into the cell.

23. (Three times amended) A pharmaceutical composition comprising a DNA construct comprising a therapeutic gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template, wherein the MMTV U3 sequence directs expression of the heterologous gene in a human cell when the vector is introduced into the cell, and a pharmaceutically acceptable carrier or diluent.

26. (Four times amended) A method for the expression of a heterologous gene in a human cell comprising introducing a retroviral vector comprising said gene under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template into the human cell and maintaining the cell under conditions in which the gene is expressed in the human cell.

37. (Three times amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a DNA construct comprising a therapeutic gene placed under transcriptional control of an MMTV regulatory sequence, wherein a sufficient amount of the therapeutic gene is expressed in human mammary carcinoma cells which results in treatment of the human mammary carcinoma.

38. (Twice amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a viral particle according to claim 12, wherein the viral particle infects human mammary carcinoma cells in the human and the heterologous gene is expressed in a sufficient amount that results in treatment of the human mammary carcinoma .

39. (Three times amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a cell line containing a DNA construct comprising a therapeutic gene placed under transcriptional control of an MMTV regulatory sequence, wherein a sufficient amount of the therapeutic gene is expressed in human mammary carcinoma cells which results in treatment of the human mammary carcinoma.

40. (Twice amended) A method for the treatment of human mammary carcinoma comprising implanting into a human in need thereof either in or nearby the site of the tumor a capsule encapsulating a cell line containing a construct comprising a therapeutic gene placed

under transcriptional control of an MMTV regulatory sequence, said capsule comprising a porous capsule wall surrounding said cell line, said porous capsule wall being permeable to a heterologous polypeptide encoded by the gene or the viral particles produced by said cells, wherein a sufficient amount of the heterologous polypeptide is expressed in human mammary carcinoma cells which results in treatment of the human mammary carcinoma.

70. (Twice amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a DNA construct comprising a therapeutic gene placed under transcriptional control of a WAP regulatory sequence, wherein a sufficient amount of the therapeutic gene is expressed in human mammary carcinoma cells which results in treatment of the human mammary carcinoma.

71. (Amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a viral particle according to claim 60, wherein the viral particle infects human mammary carcinoma cells in the human and the heterologous gene is expressed in a sufficient amount that results in treatment of the human mammary carcinoma.

72. (Amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a cell line containing a DNA construct comprising a therapeutic gene laced under transcriptional control of an WAP regulatory sequence, wherein a sufficient amount of the therapeutic gene is expressed which results in treatment of the human mammary carcinoma.

73. (Amended) A method for the treatment of human mammary carcinoma comprising implanting into a human in need thereof either in or nearby the site of the tumor a capsule encapsulating a cell line containing a construct comprising a therapeutic gene placed under transcriptional control of an WAP regulatory sequence, said capsule comprising a porous capsule wall surrounding said cell line, said porous capsule wall being permeable to the heterologous polypeptide or the viral particles produced by said cells, wherein a

sufficient amount of the heterologous polypeptide is expressed in human mammary carcinoma cells which results in treatment of the human mammary carcinoma.

D6

74. (Twice amended) A retroviral vector comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template, wherein the MMTV U3 sequence directs expression of the heterologous gene in a human mammary cell when the vector is introduced into the cell.

D7

79. (Twice amended) A retroviral provirus carrying a construct comprising a heterologous gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template, wherein the MMTV U3 sequence directs expression of the heterologous gene in a human mammary cell when the vector is introduced into the cell.

D8

91. (Twice amended) A method for the expression of a heterologous gene in a human cell comprising introducing a retroviral vector comprising said gene under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template into the human cell and maintaining the cell under conditions in which the gene is expressed in the human cell.

92. (Twice amended) A method for the treatment of human mammary carcinoma comprising administering to a human in need thereof a DNA construct comprising a therapeutic gene placed under transcriptional control of a MMTV U3 sequence homologous to a PCR amplification product obtainable by the primers D (SEQ ID NO: 4) and E (SEQ ID NO: 5) and a MMTV provirus or a plasmid comprising a MMTV provirus as PCR template,